

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

ADRIAN GILLIARD
Plaintiff,

v.

COURTNEY LUMME, et. al.,
Defendant.

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6:20-CV-278-ADA-JCM

**ORDER ADOPTING MAGISTRATE
JUDGE’S REPORT AND RECOMMENDATION**

Before the Court is the Report and Recommendation of United States Magistrate Judge Jeffrey C. Mankse. ECF No. 48. The Report recommends that Plaintiff’s Motion to Amend Complaint be denied and that Plaintiff’s Complaint be dismissed without prejudice for lack of subject matter jurisdiction. Additionally, the Report recommends that any remaining Motions pending in this matter be denied as moot. The Report and Recommendation was filed on March 1, 2021.

A party may file specific, written objections to the proposed findings and recommendations of the magistrate judge within fourteen days after being served with a copy of the report and recommendation, thereby securing *de novo* review by the district court. 28 U.S.C. § 636(b); Fed. R. Civ. P. 72(b). A district court need not consider “[f]rivolous, conclusive, or general objections.” *Battle v. U.S. Parole Comm’n*, 834 F.2d 419, 421 (5th Cir. 1987) (quoting *Nettles v. Wainwright*, 677 F.2d 404, 410 n.8 (5th Cir. 1982) (en banc), *overruled on other grounds by Douglass v. United States Auto. Ass’n*, 79 F.3d 1415 (5th Cir. 1996)).

Plaintiff filed objections on March 15, 2021. ECF No. 49. The Court has conducted a *de novo* review of the motions in question, the responses, the report and recommendation, the objections to the report and recommendation, and the applicable laws. After that thorough

review, the Court is persuaded that the Magistrate Judge's findings and recommendation should be adopted.

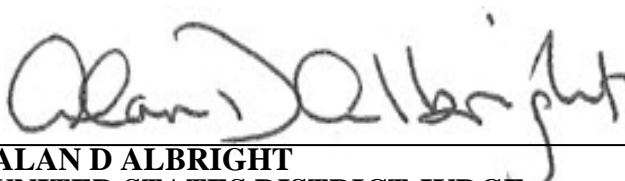
IT IS THEREFORE ORDERED that the Report and Recommendation of United States Magistrate Judge Manske, ECF No. 48 is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's objections are **OVERRULED**.

IT IS FURTHER ORDERED that that Defendants Lumme and Downs's Motion to Dismiss and Defendants Gatlin, Spence, and Baker's Motion to Dismiss **be GRANTED IN PART** as to the Rooker-Feldman ground therein. As a result, the Court **ORDERS** that Plaintiff's Complaint be **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction. The Court also **DENIES IN PART AS MOOT** the remaining grounds in Defendants Lumme and Downs's Motion to Dismiss and Defendants Gatlin, Spence, and Baker's Motion to Dismiss. Further, the Court **DENIES AS MOOT** all remaining Motions to Dismiss.

The Court also **DENIES** Plaintiff's Motion to Amend as futile. Finally, the Court **DENIES AS MOOT** all remaining Motions in this matter.

SIGNED this 31st day of March, 2021.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE